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Attorneys for Defendant Charles W. Scharf

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CITY OF HOLLYWOOD FIREFIGHTERS'
PENSION SYSTEM,

Plaintiff,

v.

STEVEN D. BLACK, MARK A. CHANCY,
THEODORE F. CRAVER, JR., MARIA R. MORRIS,
RICHARD B. PAYNE, JR., RONALD L. SARGENT,
CHARLES W. SCHARF, and SUZANNE M.
VAUTRINOT

Defendants,

and

WELLS FARGO & COMPANY,

Nominal Defendant.

Case No. 4:23-cv-02445-JST

**DEFENDANT CHARLES W.
SCHARF'S NOTICE OF JOINDER
AND JOINDER IN NOMINAL
DEFENDANT WELLS FARGO &
COMPANY'S MOTION TO DISMISS
THE COMPLAINT FOR FAILURE
ADEQUATELY TO PLEAD
DEMAND FUTILITY**

Hearing: June 20, 2024
Time: 2:00 p.m.
Courtroom 6
The Hon. Jon S. Tigar

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendant Charles W. Scharf (“Mr. Scharf”) hereby joins in Nominal Defendant Wells Fargo & Company’s (“Wells Fargo”) Motion to Dismiss for Failure Adequately to Plead Demand Futility on the grounds that Plaintiff fails adequately to plead demand futility under Rule 23.1 of the Federal Rules of Civil Procedure. The hearing on the Motion is set for June 20, 2024 at 2:00 p.m. before the Honorable Jon S. Tigar.

Mr. Scharf joins in Wells Fargo’s Motion made pursuant to Rule 23.1 of the Federal Rules of Civil Procedure and joins in all accompanying documents, including the Notice of Motion, the Memorandum of Points and Authorities, and the Request for Judicial Notice and attached exhibits, as well as any oral argument of counsel, and any matter that may be submitted at the hearing or thereafter.

Mr. Scharf joins in Wells Fargo’s Motion arguing that Plaintiff has failed adequately to plead demand futility under Rule 23.1 of the Federal Rules of Civil Procedure, which requires that a shareholder derivative complaint must “state with particularity” any “effort by the plaintiff to obtain the desired action from the directors” and “the reasons for not obtaining the action or making the effort,” because Plaintiff has failed to (i) make a pre-suit demand on Wells Fargo’s Board of Directors or (ii) adequately plead that the demand requirement is excused.

Pursuant to the parties’ stipulation and the Scheduling Order entered by the Court on January 16, 2024, *see* ECF No. 110, the parties have agreed that Mr. Scharf and the other Individual Defendants may present further motions to dismiss on grounds or concerning issues that were not decided in connection with the Rule 23.1 Motion, if necessary, following a decision on the Rule 23.1 Motion.

1 DATED: April 1, 2024

2 Respectfully submitted,

3 /s/ Victor L. Hou

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